

1882-023 Chancery Causes: Marian Jones & vs. Adm. of Joseph Fairfax &c  
Lee Co.

Ely, Craig, Pendleton, Warren

CA-Contract Dispute  
T-Property

To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County Virginia

Humbly complaining your Oratrixes  
Lorinda Jones & Maimie Jones would respectfully  
show to your Honor that heretofore to wit  
on the day of February 1877. They were seized  
in fee of a valuable tract of land situated  
in said County about 2 miles Southwest of  
Honesville adjoining the lands of Daniel  
S. Dickinson deceased and others which tract  
of land descended to them from their deceased  
father Thomas Horron. and for a more  
particular description of said land reference  
is here made to a deed (which the defendants  
file here with conveying said land which  
is to be delivered when the purchase money is  
paid or provided for.)

Your Oratrixes will further show your Honor  
that being so seized and possessed of said  
land they contracted the same to one Joseph  
Fairfax at his special instance and request  
and that they bound themselves to convey the  
same to him with Covenants of general  
Warranty when he paid to them the full amount  
of the purchase price of said tract of land.  
Your Oratrixes will further show your Honor  
that said Fairfax undertook and agreed  
to pay your Oratrixes for said land the sum



of \$ . on half of which was to be paid  
to each of your oratrixes. That he paid down  
to your oratrix Marianne Jones, the sum of \$  
and executed to her his writing obligatory for \$  
\$447.13 the residue thereof payable as follows to wit  
\$147.13 on the 1st day of March 1877. \$150.00 on  
the 1st day of March 1878. and \$150.00 1st March  
1879. as much said note or writing obligatory  
bore date on the 5th day of February 1877. Upon  
this note the said Fairfax paid on the 19th day  
of May 1877. the sum of \$200 and on the 20th  
day of December 1877 he paid the further sum of  
\$80.00. all of which will more fully appear by  
reference to said note, together with the endorsement  
on the back thereof, which is filed herewith as  
part hereof marked. (A) all the residue of said  
note after deducting said Credits is due to you or  
oratrix the said Marianne Jones. Your oratrixes  
will further show that said Fairfax paid down  
to your oratrix the said Lavinia Jones the sum  
of \$ and executed to her his note or writing  
obligatory for the residue thereof to be paid as  
follows to wit \$62.38 1/2 March 1st 1877. \$150.00  
March 1st 1878. and \$150.00 March 1st 1879. the  
said note or writing obligatory is dated  
February 1877. and is filed herewith as part  
hereof marked. (10) The whole of this last mention  
ed note is still due and owing to your oratrix



Your oratrices will now show your Honor  
that since this sale was made to wit on the  
day of 187. that the said Joseph  
Fairfax has departed this life intestate and  
that letters of administration upon his estate were  
granted to Thomas S. Ely Sheriff of Lee County  
But that he had no personal <sup>estate</sup> of any consequence  
to be administered, in fact your oratrices are  
of opinion that nothing whatever went into the  
the hands of said Administrator. Your oratri-  
ces, file here with as aforesaid a deed conveying  
said land to the heirs at law of said Joseph Fair-  
fax, to be delivered when the Court shall direct.  
Your oratrices will now further your Honor that  
said Joseph Fairfax left a widow Mahala  
Fairfax, and the following children to wit  
Miranda who intermarried with one Thomas  
Craig, Frances who intermarried with Henry  
Pencelton and Keziah Fairfax his heirs at  
law. The object of this Bill is to have specif-  
ic performance of the Contract aforesaid made  
between your Oratrices & the said Joseph Fair-  
fax and being remedied at Common Law  
they pray your Honor to take Cognizance  
of your Cause & to grant them the relief  
asked for And to this end they made Shos.  
S. Ely Adm. of Joseph Fairfax Decd.  
Mahala Fairfax widow of the said Joseph



By 487 Nov 1881

Maranda Fairfax

\$ 15.00

\$ 3.50

Estimated \$ 23.37

Actual \$ 31.37

On clk 21-37 July 1881

By clks 5 4.78

vs J. Dill in Chy.

Thos. S. Ely, et al. of

Joseph Fairfax, et al.

1880 Mr. Bill Saled, Sec.

Exerts & Deere Mch.

Apr. 21. N. Conf. & set hearing

by Plaintiffs

1880 March Term. Dece.

" & Contd.

" Aug. Dece. & Contd.

1881 Mr. Coulson & Contd.

1882. Murale Dece. & Contd.

Georgy. Final

Chd & 25/19

Thomas Craig and Maranda his wife formerly Maranda  
Fairfax, Henry Puddleton and Frances his wife formerly Fran-  
ces Fairfax and Reginald Fairfax parties Defendant to this  
Bill And they pray that they may each be required  
to answer its several allegations upon oath, And  
upon a final hearing specific execution of the Com-  
puch ofresaid be granted And the Land sold to  
pay the balance of the purchase money, still due  
your Orator, unless the same is otherwise paid  
And for such other further & general relief  
as is suited to their Case They pray  
issue &c

Monsieur Duncan  
for Plaintiff



I bind myself to pay Marium  
gans \$147.13 March 1<sup>st</sup> 1877, \$150.  
March 1<sup>st</sup> 1878 and \$150.00 March  
1<sup>st</sup> 1879. Witness my hand and  
seal. this February 8<sup>th</sup> 1877.

Joseph <sup>this</sup> Fairpay Seal  
mark

Teste-

Wm. A. Orr

Decr. 20<sup>th</sup> / 1844  
for By 1 Brown horse \$8.00

credit the within note  
of my ~~19<sup>th</sup>~~ 1844  
Benly Solars This

(A)



Marian & Lavinia Jones. Peff  
78 3 In chey  
Thomas S Ely Adm to it also Dylo

This cause came on again ~~upon~~  
this 5<sup>th</sup> day of April 1882. to be heard  
upon the papers formerly read in the  
cause and the report of C.T. Surcou  
Commissioner this day filed in open  
Court and the deed filed with said  
report and was argued by Counsel  
And said report and deed being  
seen and inspected by the Court  
and there being no exceptions thereto  
they and each of them are confirmed  
and Thomas S Ely the purchaser of  
said land is allowed to withdraw  
the said deed from the file of papers  
for recordation upon paying to said  
Commissioner the sum of five  
dollars for making and executing  
said deed and there remaining  
nothing further to be done in this  
cause it is stricken from the docket.





Marian & Lorinda Jones

vs  $\frac{1}{3}$  Deera final

T.S. Ely Answer to it also

Entered page 259

J. A. G. Hyatt  
clerk

Enter This

In C.A.K

Apr 5<sup>th</sup> 1882.



Morian + Lorinda Jones

Plffs

vs

J. In Chey

Thomas S Ely Agent to it also

Defts

This cause came on again this 31<sup>st</sup> day of March 1882. to be heard upon the papers formerly read the report of C.T. Duncan special Commissioner and statement + vouchers therewith filed on the day of March 1882. and was argued by counsel and it appearing to the Court that said report statement and vouchers have been filed for more than 10 days before the 1<sup>st</sup> day of this term of the Court and that no exceptions have been filed thereto said report and statement are confirmed, and it appearing that Thomas S Ely the purchaser of said land has paid the full amount of the purchase price of said land said Commissioner Duncan is directed to make and execute deed conveying said land to said purchaser with covenants of special warranty, And it further appearing to the Court that said Commissioner has paid out to the Plaintiffs all the money received by him for the sales of said land and has filed ther receipts for the same with his report it is adjudged and decreed that said Commissioner be and he is forever discharged from all and further liability on account of the fund so received by him when said Commissioner executes said



Morison & Loreda Jones

vs.  $\frac{1}{3}$  Diener

J. S. Ely Adm to it also

Entered P. 236

Filed by G. Hyatt clerk

Enter This decree

J. S. Ely

March 31<sup>st</sup> 1882

As will appear to the same to this court will  
the same is continued.



Marian & Clarinda Jones      Plffs  
vs      3 In Chcy.  
Thomas S Ely Admr et al      Dfts

This cause came on again this 31<sup>st</sup> day of August 1880 <sup>to be heard</sup> on the papers formerly read the report of C. T. Duncanson. Special Commissioner filed on the 4<sup>th</sup> day of August 1880 and was argued by counsel, And it appearing to the Court that said report has been filed for more than 10 days before this term of the Court and that no exceptions have been filed thereto the same is in all things confirmed and it is adjudged ordered and decreed that said Commissioner proceed to collect the moneys due to him for the purchase price of said land as the same falls due but before proceeding to do so he will execute bond before the Clerk of this Court with good security in a penalty of \$1500 conditioned to faithfully account for and pay over all sums so collected by him. And the purchaser of said land may have writ of possession to be issued by the Clerk of this Court, upon his demand and this cause is continued till the next term.



Morian & Clarinda Jones

vs  $\frac{3}{3}$  Deere

Thos S. C. Ly. Adm et als

Aug Term 1880

Entered page 14p  
F. R. Stickney<sup>De</sup>

Enter This Deere

J. A. K.

Aug 3, 1880



Marian & Clarinda Jones

Plaintiffs.

vs

3 In Chancery

Thos. S. Ely Admr. &c et als

Defendants

This cause came on this 31<sup>st</sup> day  
of March, <sup>1880</sup> to be heard upon the Bill and  
Exhibits filed therewith and was argued  
by Counsel. And it appearing to the Court  
that process has been served upon each  
of the Defendants, <sup>for more than 30 days before 1<sup>st</sup> day of this term.</sup> And they each having  
failed to appear & answer plead or de-  
mur the Bill is taken for confessed a-  
gainst them. On Consideration whereof  
it is adjudged ordered & decreed that  
Complainant Clarinda Jones recover of  
Thos. S. Ely Admr &c \$362.38½ with in-  
terest on \$62.38½ from March 1<sup>st</sup> 1877 till  
paid and on \$150<sup>00</sup> from March 1<sup>st</sup> 1878  
till paid and on \$150<sup>00</sup> from Mar. 1<sup>st</sup> 1879  
till paid, and that the Complainant Ma-  
rian Jones recover of the said Thos. S. Ely  
Admr &c \$147.13 with interest on same from  
March 1<sup>st</sup> 1877 till paid, and \$150<sup>00</sup> with  
interest on same from March 1<sup>st</sup> 1878 till  
paid, and \$150<sup>00</sup> with interest from  
March 1<sup>st</sup> 1879 <sup>till paid</sup> subject to the following  
credits \$20<sup>00</sup> paid May 19<sup>th</sup> 1877 and  
\$80<sup>00</sup> paid Dec. 20<sup>th</sup> 1877. And it further  
appearing to the Court that the said several



sums before mentioned are a vendors lien  
 up<sup>on</sup> the lands in the Bill mentioned, it is  
 therefore adjudged ordered & decreed that sen-  
 let the said Thomas Ely & Admin<sup>rs</sup>  
 or the heirs of Joseph Fairfax dead.  
 or some one for them shall within 30  
 days from the rising of this Court pay to the  
 Plaintiffs the sums herein decreed to them,  
 then C. T. Duncan, <sup>who</sup> is appointed a Commis-  
 sioner for the purpose shall proceed to sell  
 the lands in the Bill mentioned or so much  
 thereof as shall be necessary to satisfy the terms  
 of this decree upon a credit of 6, 12 & 18 months  
 except a sum sufficient to pay the costs of  
 suit & commissions of sale which will be required  
 to be paid down, but before he proceeds to  
 sell he shall post written notices of said sale  
 for 30 days before selling.  
 One, <sup>to be</sup> at the front door of the Court House, an-  
 other in the neighborhood of said lands, He shall  
 take bonds with good personal security  
~~report his action to the Court and then~~  
 bearing interest from date for the deferred  
~~cause is continued.~~  
 payments. He shall report his action  
 to the Court & the Cause is contin-  
 ued till the next term.

Miriam & Louisa Jones

so decreed

Thos. S. Ely Admin<sup>rs</sup>

Entered on 108-9

Teste Jas. M. Orr, Clerk

Encl<sup>d</sup>

for 500.00  
Mar 21/80



Morian & Clarinda Jones. Pitiffs  
vs In Chancery.

Thomas S. Ely Adversetale. Dft

To the Honorable John Wiley. Judge of the  
Circuit Court of Lee County, Virginia

Pursuant to a decree entered in the above  
styled cause of the      day of.      1880

The undersigned, after having given notice of  
the time terms and place of sale as directed  
by the said decree, on the 22 day of June  
1880 that being Court day, in front of the door  
of the Court House of Lee County, offered for  
sale to the highest bidder on a credit of  
6. 12. & 18 Months the lands in the bill and  
proceedings in said Cause mentioned  
and Thomas S. Ely being the highest bidder  
the land was knocked down to him at  
the price of \$638.00 Six hundred thirty eight  
dollars. of this sum said Ely paid down  
the sum of \$      that being necessary to  
pay costs of suit and commissions  
of sale and executed his note with A. R.  
Singer as security payable in six twelve  
and eighteen months for \$.

The residue of said Sum of \$625.00 said  
sum bearing interest from date,  
Of the sum paid down to me for costs of suit  
and commissions of sale I retained



\$15.00 my fee as attorney. and \$21.50 my  
commission on said Sale, I paid  
to H. Mills. \$ his fee as sheriff & to Mr  
Orr. \$ his fee as clerk. receipts for  
the same are herewith filed marked 1 &  
2. respectively. which leaves a balance  
in my hands of \$ For estimated costs  
this sale I regard as a very good one and  
recommend its confirmation.

Respectfully Submitted  
C. T. Duncan Comr.

Morris & Clamette Jones

vs. Report of Comr.

J. S. Ely Amicus

Filed Aug. 4<sup>th</sup> 1880.

H. R. G. H. H. H.



Marian + Lorinda Jones.....

vs

J. S. Ely Sumr. + others }

In chancery.

To The Honorable John A. Kelly Judge of  
the Circuit Court of Lee County Va.

The undersigned who was by a decree  
entered in the above cause directed to collect  
and pay out the fund for which he as Com-  
missioner sold the lands in the bill and  
proceedings in said Cause mentioned, be-  
lieves to report that he has performed the  
duties assigned him in said decree a  
statement of which is filed herewith as part  
hereof showing both collections and disbur-  
sements Morsled (A) by which it appears.  
That all the money for which said land sold  
has been collected and disbursed. Receipts  
for said disbursements are filed with said  
statement A Morsled as in the Margin from  
1 to 9. inclusive. The purchaser Thos.  
J. Ely is now entitled to his due and desires  
that it shall be made to him at March Term  
1882 of your Honorable Court which your commis-  
sioner advises should be done.

March 17<sup>th</sup> 1882. Respectfully submitted

C. T. Duncan Commissioner

+ Receiver



Morison & Loring de fous

15-  $\frac{1}{3}$  Report of Reins

J. S. Eely Junr & et als

Filed March 18<sup>th</sup> 1882

J. A. Hyatt Clerk



C. T. Duncan loan -

Do

1880

To Morian & Lorinda Jones

Nov 26

To cash of T. J. Ely. 1st Principal installment  
of the first installment

\$194.60

1

By this sum paid Taxes. 1879.

4.25

2.

" " " " Lorinda Jones. Dec 22/80

60.00

3

" " " " Morian Jones. Feb 1<sup>st</sup> 81.

35.00

4.

" " " " Morian Jones Mar 11 81.

35.00

5

" " " " Morian Jones Apr 23. 81

35.17

6

" " " " Lorinda Jones. Apr 25 81

35.17

\$194.59

1881  
June 27

To cash of T. J. Ely 2<sup>nd</sup> installment

200.00

7

By this sum paid Lorinda Jones July 13/81

100.00

8

" " " " Morian Jones. " 20 81.

100.00

200.00

Sept 20.

To this sum cash paid by T. J. Ely  
3<sup>rd</sup> and last installment

203.93

9.

By this sum paid Lorinda & Morian  
Jones. Sept 20<sup>th</sup> 1881.

203.93

203.93



C. J. Dimson Reims  
To  $\frac{3}{3}$  Statement of ap-  
To Morins & Lorinda Jones

(A)



Received of C. T. Duncan Commissioner in  
the Chancery Cause of Morian & Corinda  
Jones vs Thomas S Eley Admr. &c. et al. Thirty  
five dollars. & 17. Cents amt in full of my  
part of the 1st installment of the purchase  
price of the land sold in the above styled  
Cause this 23<sup>rd</sup> day of April 1881.

Teste,

D. A. Thompson

Morian & Jones  
Mfork



Moniam Jones

To  $\frac{3}{4}$  Rept

C. T. Duncan com

---


(57)



Received of C. J. Duncan, Comr in the  
Chancery Cause of Moriam & Lorinda  
Jones vs Thomas & Elly Sawyer et als, Thirty five <sup>17</sup>/<sub>100</sub>  
dollars, to go as a credit on the sum recorded  
by me in the above styled Cause. This the  
25<sup>th</sup> day of April 1881. Corinda Jones  
Leta, John Mc Dowell



Linda Jones.

To  Receipt.

W. T. Driscoll Comr

(6)



Received of C. T. Duncan Commissioner in the  
Chancery cause of. Marian + Lorinda  
vs Thomas S. Ely Junior & et als.  
Jams. One hundred dollars. my part of  
the second installment of the purchase  
price of the land sold by said Com-  
missioner in said cause this 13<sup>th</sup> day  
of July 1881.

Lorinda Lores

Lore

John Mc Dowell



Lorinda Jones

To { Rept  
3

C. J. Duncan

(7)



Received of C. T. Duncan Comr in the  
Chancery cause of Marion & Lorinda Jones  
vs Thomas Sely & others one hundred  
dollars amt in full of my part of the 2<sup>nd</sup>  
instalment of purchase price of the land  
sold by said Commissioner This 20<sup>th</sup>  
day of July 1881.

Liste.

Marion <sup>bur</sup> Jones  
per R

P. F. Thompson



Marion Jones

To  $\frac{2}{3}$  Repts

C. T. Duncan Com

8



To the Hon John A Kelly Judge of  
the Circuit Court of Lee County Va

The undersigned who was by a  
decree rendered in the Chancery cause  
of Moriam & Clarinda Jones vs T.S.  
Ely Sumner & others on the 31<sup>st</sup> day of  
March 1882 to convey by deed with  
Special Warranty the land in the  
bill and proceedings in said cause  
mentioned beg leave to report That  
he has performed the duty assigned  
him by said Decree. and he files  
here with as part hereof the deed  
to Thomas J Ely the purchaser of  
said land. said Deed is marked  
(A) There is nothing further to  
do in this case and it may now  
be stricken from the docket

Respectfully submitted  
C. T. Duncanson Comm



Morian & Lomada Jones  
vs  $\frac{1}{2}$  Com Report of dea  
T. S. Ely Ann to itals  
Filed April 5<sup>th</sup> 1882.



I bind myself to pay Larioda Jones  
Three hundred and sixty two dollars  
and thirty eight and one half cents  
sixty two dollars and thirty eight and  
one half cents to be paid March  
1<sup>st</sup> 1877, and 15<sup>th</sup> of March 1<sup>st</sup> 1878 and  
15<sup>th</sup> of March 1<sup>st</sup> 1879. Witness my  
hand and seal this February  
1877.

Teste  
M. D. D.

Joseph <sup>this</sup> Fairfax  
quarto

Seal



(9)





Mr. *Ellen Warrick*

1879 To **Z. T. CECIL**, Treasurer of **LEE** County, Dr.

	STATE TAX, 50 cents on the \$100.	County Levy, cents on the \$100.	County School Tax, 15 cents on \$100.	District School Tax, 5 cents on \$100.	TOTAL AMOUNT OF TAXES.
To <i>150</i> Acres of Land, Value, \$ <i>450</i>	<i>925</i>	<i>90</i>	<i>68</i>	<i>22</i>	<i>4 05</i>
Property, Income, &c., \$					
Capitation Tax,					
County School Tax,					
District School Tax,					
Total	<i>2 25</i>	<i>90</i>	<i>68</i>	<i>22</i>	<i>4 05</i>



M. C. Jones  
To 3 Rept  
6. 7. 8. 9. 10. 11. 12.

(1)



Received of C. T. Duncan Commissions  
served in the Chancery Cause of Moriam  
& Corinda Jones vs Thos Sely Turner & others  
Sixty dollars. to be credited on a claim  
decrd in said cause This 22<sup>nd</sup> day of  
December 1880. Corinda Jones  
by John McDowell



Lorinda Jones  
To 1/2 Rept  
C. T. Duncan Co

---

(2)



Received of C. T. Duncan Commissioner  
in the Chancery cause of Marian & Clarinda  
Jones vs Thomas S Ely & others  
Twenty five dollars to be credited on the sum  
decreed in my favor in said cause this  
15<sup>th</sup> day of February 1881.

Teste

Marian<sup>the</sup> Jones  
Morse

J. F. Thompson



Mr. Jones -

to 3 Receipts

C. V. Duncan  
adlm

(3)



Received of C. T. Duncan Commissioner in  
the chancery cause of Morian & Lorinda Jones  
vs. Thomas Sely Hunt & others  
Twenty five dollars to go as a credit on the sum  
decreed me in said cause - This the 11<sup>th</sup> day

of March 1881. Morian <sup>his</sup> & Jones  
modr

Teste J. F. Thompson

\$35.00



Norman Jones

To  $\frac{2}{3}$  Rept

B. V. American Army

(4)



Received of C. T. Duncan, Commissioner,  
in the Chancery, cause of Moriam  
+ Clarinda Jones vs Thomas <sup>+ others</sup> \$ ~~Two~~ <sup>Two</sup>  
hundred, and three dollars, and ninety  
three cents amount in full of the balance  
due ~~due~~ us on the purchase price of  
the land in the bill and proceedings  
mentioned this the 20<sup>th</sup> day of Sept  
ember 1881.

Teste John McLaughlin  
J. F. Thompson Marium Jones

Morrison Jones  
Lorinda Jones  
To 3 Rept  
C. I. Duncan

(9)

3/5 69.13.  
189.71

189.71  
132797  
9485-  
142282  
18971  
203.93  
"



Received of C. T. Duncan Commissioner in  
the chancery cause of Marian & Clarinda  
Jones vs Thomas S Ely Sum. & also. Three  
dollars & fifty cents Sheriffs Costs in said  
Cause. This 22<sup>nd</sup> day of June 1880.

Francis Miles D Sheriff  
for T. S. Ely & L. C.

Received of. G. T. Duncan Commissioner in  
the Chancery cause of. Morian & Clara Ann  
Jones vs Thos S Ely Adam & others from. dollars  
& 87 Cents clerk's costs in said Suit.

This 22<sup>nd</sup> day of June 1880.

James W. Orr. Clerk



# The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

Thomas & Elly Adams of  
Joseph Fairfax dec'd, Mahala Fairfax  
widow of said Joseph Fairfax, Thomas  
Loraig & Miranda his wife, Harry Pendle  
Wm & Frances his wife, Resiah Fairfax  
heirs at law of Joseph Fairfax deceased

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in March  
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against them by

Miranda Jones & Marion Jones.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this 6<sup>th</sup> day  
of July 1880, in the 10<sup>th</sup> year of the Commonwealth.

James W. Orr,

Clerk.

Thos. S. Chapman, etc.  
 Linda Wilson  
 to  
 Mrs. S. Chapman  
 Thos. S. Chapman, etc.  
 Linda Wilson

March Rules, 1880.

Executed by the  
 Linnegan office  
 Copy of the written  
 to S. S. Chapman, Ma-  
 hua, Fairfax, Va.  
 as order, March 1880  
 Linnegan, Henry Pundell  
 Francis Pundell, Ke-  
 ziah Hampton.  
 July 17th 1880

L. Miles Dr.  
 for S. S. Chapman

20.  
 80.  
 18.  
 15.  
 18.  
 10.  
 100.  
 36.  
 40.  
 150

\$ 4.87